

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
GRAND RAPIDS DIVISION**

In re: INTERLOGIC OUTSOURCING,
INC., *et al.*,

Debtors.

JONES LAW OFFICE, LLC, *et al.*,

Plaintiffs,

V.

INTERLOGIC OUTSOURCING, INC., *et al.*,

Defendants.

Case No. 20-00325-swd

Chapter 11

Adversary Proceeding No. 20-80015-dso

**STIPULATION FOR ENTRY OF AN ORDER STAYING THIS
ADVERSARY PROCEEDING**

The Jones Plaintiffs (as defined below), KeyBank National Association (“KeyBank”), Daniel Wikel (“Wikel”), Timothy Daileader (“Daileader”), A. Robert O’Brien (“O’Brien”), Paul McCormick (“McCormick”), Chuck Tiebout (“Tiebout”), Paul Witek (“Witek”), Najeeb Khan (“Khan”), and Interlogic Outsourcing, Inc. (“IOI”), stipulate and agree as follows:

WHEREAS, on August 9, 2019, the plaintiffs in this adversary proceeding, represented by the Jones Law Office LLC (“Jones Plaintiffs”), initiated a state court lawsuit against IOI and Khan in the Elkhart, Indiana Superior Court (“State Court”);

WHEREAS, on August 10, 2019, IOI and its affiliates filed a bankruptcy petition under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Indiana (“Indiana Bankruptcy Court”);

WHEREAS, on August 16, 2019, the State Court authorized KeyBank to intervene in the action brought by the Jones Plaintiffs.

WHEREAS, on August 19, 2019, the Jones Plaintiffs amended their complaint to add additional plaintiffs, assert crossclaims against KeyBank and to add Wikel, Daileader, O'Brien, McCormick, and Tiebout as defendants;

WHEREAS, on September 3, 2019, KeyBank, as an intervening plaintiff, filed its complaint for damages against Khan;

WHEREAS, on September 20, 2019, the Jones Plaintiffs filed their Second Amended Complaint to amend certain claims and to add Paul Witek as a defendant;

WHEREAS, on September 30, 2019, KeyBank removed this action from the State Court to the Indiana Bankruptcy Court pursuant to 28 U.S.C. § 1452(a) and Rule 9027 of the Federal Rules of Bankruptcy Procedure;

WHEREAS, on October 8, 2019, Khan and certain affiliated entities filed chapter 11 petitions in this Court;

WHEREAS, on October 22, 2019, the Jones Plaintiffs filed their Motion to Abstain or Remand and supporting Memorandum of Law [Dkt. 13 and 14] (collectively, the "Motion");

WHEREAS, on November 20, 2019, KeyBank filed its response to the Motion [Dkt. 15];

WHEREAS, on November 21, 2019, IOI filed a response to the Motion [Dkt. 17];

WHEREAS, on December 9, 2019, the Jones Plaintiffs filed a reply in support of the Motion [Dkt. 19];

WHEREAS, on January 21, 2020, the Indiana Bankruptcy Court transferred the adversary proceeding to this Court [Dkt. 33 and 34];

WHEREAS, on March 31, 2020, and with the permission of the Court, the Jones Plaintiffs, KeyBank, and IOI each filed supplemental briefs in support of their respective positions concerning the Motion [Dkt. 55, 56, and 57];

WHEREAS, on April 13, 2020, the Clerk of Court issued a notice that the Honorable Scott Dales intended to disqualify himself from this adversary proceeding pursuant to Canon 3D of the Judicial Code of Conduct, and gave the parties 14 days to send confidential correspondence to the Court waiving this judicial disqualification [Dkt. 61];

WHEREAS, on May 5, 2020, the Clerk of Court issued a letter indicating that the Honorable Scott Dales and the other bankruptcy judges in the Western District of Michigan have disqualified themselves from this adversary proceeding, and that the Court was arranging for an intra-circuit assignment of a bankruptcy judge for this adversary proceeding [Dkt. 64];

WHEREAS, on May 6, 2020, Chief Judge Guy R. Cole, Jr. of the Sixth Circuit issued a notice that, pursuant to 28 U.S.C. § 155(a), this adversary proceeding has been assigned to the Honorable Daniel S. Opperman of the United States Bankruptcy Court for the Eastern District of Michigan to hold bankruptcy court in the Western District of Michigan and hear this adversary proceeding [Dkt. 65];

WHEREAS, on May 22, 2020, the Court entered an order approving a stipulation of the parties to stay all hearings, discovery, and deadlines relating to the claims and issues that are the subject of this adversary proceeding (including the hearing on the Motion that was originally scheduled for May 20, 2020) until July 20, 2020, in order to permit continued good-faith discussions regarding a consensual plan of liquidation in the IOI and Khan bankruptcy cases [Dkt. 72];

WHEREAS, on July 20, 2020, the Court entered another order approving a stipulation of the parties to stay all hearings, discovery, and deadlines relating to the claims and issues that are the subject of this adversary proceeding until August 20, 2020 [Dkt. 74];

WHEREAS, on August 21, 2020, the Court entered another order approving a stipulation of the parties to stay all hearings, discovery, and deadlines relating to the claims and issues that are the subject of this adversary proceeding until September 21, 2020 [Dkt. 78]; and

WHEREAS, with the permission of the Court, and to avoid unnecessary legal expense and cost for all of the parties to this adversary proceeding, the parties believe that an additional stay of all hearings, discovery, and deadlines relating to the claims and issues that are the subject of this adversary proceeding should be entered to continue those good-faith discussions.

NOW, THEREFORE, the parties respectfully request that this Court enter an Order, staying all hearings, discovery, and deadlines relating to the claims and issues that are the subject of this adversary proceeding until **January 31, 2021**.

Dated: November 11, 2020.

STIPULATED AND AGREED TO BY:

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CERTIFICATE OF SERVICE

The undersigned hereby certify that on November 11, 2020 a copy of the foregoing was served electronically in accordance with the method established under this Court's CM/ECF Administrative Procedures upon all parties registered to receive notice in the electronic filing system in this case.

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